

**AMENDMENT**

U.S. Appln. No. 09/224,477

**REMARKS**

By this amendment applicant amends claim 46 and cancels claim 47, thus claims 22-46 and 48 are all the claims pending in the present application. Claims 22-45 are allowed and claims 46 and 48 stand rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the foregoing amendments and following remarks.

**PREMATURE FINAL ACTION.**

This first Office Action subsequent to the RCE filed on May 19, 2004 has been made final. The Office Action states that the claims could have been finally rejected on the grounds and art of record if they had been entered in the application prior to the request for continued examination under 37 C.F.R. § 1.114. However, Applicant respectfully notes that it is not proper to make final this first Office Action where the application contained material which was previously presented after final rejection but was denied entry because allegedly new issues were raised that required further consideration and/or search. (See MPEP 706.07(b) and Advisory Action mailed March 26, 2004). Consequently, Applicant respectfully submits that the finality of this Office Action is premature and respectfully requests the Examiner to reconsider and withdraw the finality in accordance with MPEP 706.07(d). Consequently, it is respectfully submitted that the foregoing amendments should be entered as a matter of right pursuant to 37 C.F.R. § 1.111.

**ALLOWABLE SUBJECT MATTER.**

Applicant kindly thanks the Examiner for the indication that claims 22-45 are allowable and that claim 47 includes allowable subject matter but was objected to as depending from rejected base/intervening claims. In view of the foregoing amendments and following

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comments, Applicant respectfully submits that all pending claims (i.e., 22-46 and 48) are now allowable.

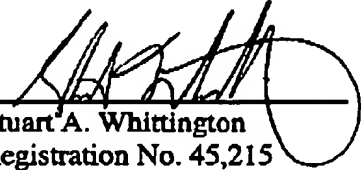
**CLAIM REJECTIONS.****35 U.S.C. § 102**

Claims 46 and 48 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,212,831 to Chuang et al.. While Applicant does not cede to the properness of this rejection, claim 36 has been amended to include the subject matter of former claim 47 to expedite prosecution of this application. Since former claim 47 was indicated by the Examiner to include allowable subject matter, claims 46 and 48 should also be allowable.

**CONCLUSION.**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee or deficiency thereof, except for the Issue Fee, is to be charged to **Deposit Account # 50-0221.**

Respectfully submitted,

  
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c/o

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